

1 AN ACT concerning taxes.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Use Tax Act is amended by changing
5 Section 9 as follows:

6 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

7 Sec. 9. Except as to motor vehicles, watercraft,
8 aircraft, and trailers that are required to be registered
9 with an agency of this State, each retailer required or
10 authorized to collect the tax imposed by this Act shall pay
11 to the Department the amount of such tax (except as otherwise
12 provided) at the time when he is required to file his return
13 for the period during which such tax was collected, less a
14 discount of 2.1% prior to January 1, 1990, and 1.75% on and
15 after January 1, 1990, or \$5 per calendar year, whichever is
16 greater, which is allowed to reimburse the retailer for
17 expenses incurred in collecting the tax, keeping records,
18 preparing and filing returns, remitting the tax and supplying
19 data to the Department on request. In the case of retailers
20 who report and pay the tax on a transaction by transaction
21 basis, as provided in this Section, such discount shall be
22 taken with each such tax remittance instead of when such
23 retailer files his periodic return. A retailer need not
24 remit that part of any tax collected by him to the extent
25 that he is required to remit and does remit the tax imposed
26 by the Retailers' Occupation Tax Act, with respect to the
27 sale of the same property.

28 Where such tangible personal property is sold under a
29 conditional sales contract, or under any other form of sale
30 wherein the payment of the principal sum, or a part thereof,
31 is extended beyond the close of the period for which the

1 return is filed, the retailer, in collecting the tax (except
2 as to motor vehicles, watercraft, aircraft, and trailers that
3 are required to be registered with an agency of this State),
4 may collect for each tax return period, only the tax
5 applicable to that part of the selling price actually
6 received during such tax return period.

7 Except as provided in this Section, on or before the
8 twentieth day of each calendar month, such retailer shall
9 file a return for the preceding calendar month. Such return
10 shall be filed on forms prescribed by the Department and
11 shall furnish such information as the Department may
12 reasonably require.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter.
17 The taxpayer shall also file a return with the Department for
18 each of the first two months of each calendar quarter, on or
19 before the twentieth day of the following calendar month,
20 stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business
23 from which he engages in the business of selling tangible
24 personal property at retail in this State;
- 25 3. The total amount of taxable receipts received by
26 him during the preceding calendar month from sales of
27 tangible personal property by him during such preceding
28 calendar month, including receipts from charge and time
29 sales, but less all deductions allowed by law;
- 30 4. The amount of credit provided in Section 2d of
31 this Act;
- 32 5. The amount of tax due;
- 33 5-5. The signature of the taxpayer; and
- 34 6. Such other reasonable information as the

1 Department may require.

2 If a taxpayer fails to sign a return within 30 days after
3 the proper notice and demand for signature by the Department,
4 the return shall be considered valid and any amount shown to
5 be due on the return shall be deemed assessed.

6 Beginning October 1, 1993, a taxpayer who has an average
7 monthly tax liability of \$150,000 or more shall make all
8 payments required by rules of the Department by electronic
9 funds transfer. Beginning October 1, 1994, a taxpayer who has
10 an average monthly tax liability of \$100,000 or more shall
11 make all payments required by rules of the Department by
12 electronic funds transfer. Beginning October 1, 1995, a
13 taxpayer who has an average monthly tax liability of \$50,000
14 or more shall make all payments required by rules of the
15 Department by electronic funds transfer. Beginning October 1,
16 2000, a taxpayer who has an annual tax liability of \$200,000
17 or more shall make all payments required by rules of the
18 Department by electronic funds transfer. The term "annual
19 tax liability" shall be the sum of the taxpayer's liabilities
20 under this Act, and under all other State and local
21 occupation and use tax laws administered by the Department,
22 for the immediately preceding calendar year. The term
23 "average monthly tax liability" means the sum of the
24 taxpayer's liabilities under this Act, and under all other
25 State and local occupation and use tax laws administered by
26 the Department, for the immediately preceding calendar year
27 divided by 12.

28 Before August 1 of each year beginning in 1993, the
29 Department shall notify all taxpayers required to make
30 payments by electronic funds transfer. All taxpayers required
31 to make payments by electronic funds transfer shall make
32 those payments for a minimum of one year beginning on October
33 1.

34 Any taxpayer not required to make payments by electronic

1 funds transfer may make payments by electronic funds transfer
2 with the permission of the Department.

3 All taxpayers required to make payment by electronic
4 funds transfer and any taxpayers authorized to voluntarily
5 make payments by electronic funds transfer shall make those
6 payments in the manner authorized by the Department.

7 The Department shall adopt such rules as are necessary to
8 effectuate a program of electronic funds transfer and the
9 requirements of this Section.

10 Before October 1, 2000, if the taxpayer's average monthly
11 tax liability to the Department under this Act, the
12 Retailers' Occupation Tax Act, the Service Occupation Tax
13 Act, the Service Use Tax Act was \$10,000 or more during the
14 preceding 4 complete calendar quarters, he shall file a
15 return with the Department each month by the 20th day of the
16 month next following the month during which such tax
17 liability is incurred and shall make payments to the
18 Department on or before the 7th, 15th, 22nd and last day of
19 the month during which such liability is incurred. On and
20 after October 1, 2000, if the taxpayer's average monthly tax
21 liability to the Department under this Act, the Retailers'
22 Occupation Tax Act, the Service Occupation Tax Act, and the
23 Service Use Tax Act was \$20,000 or more during the preceding
24 4 complete calendar quarters, he shall file a return with the
25 Department each month by the 20th day of the month next
26 following the month during which such tax liability is
27 incurred and shall make payment to the Department on or
28 before the 7th, 15th, 22nd and last day of the month during
29 which such liability is incurred. If the month during which
30 such tax liability is incurred began prior to January 1,
31 1985, each payment shall be in an amount equal to 1/4 of the
32 taxpayer's actual liability for the month or an amount set by
33 the Department not to exceed 1/4 of the average monthly
34 liability of the taxpayer to the Department for the preceding

1 4 complete calendar quarters (excluding the month of highest
2 liability and the month of lowest liability in such 4 quarter
3 period). If the month during which such tax liability is
4 incurred begins on or after January 1, 1985, and prior to
5 January 1, 1987, each payment shall be in an amount equal to
6 22.5% of the taxpayer's actual liability for the month or
7 27.5% of the taxpayer's liability for the same calendar month
8 of the preceding year. If the month during which such tax
9 liability is incurred begins on or after January 1, 1987, and
10 prior to January 1, 1988, each payment shall be in an amount
11 equal to 22.5% of the taxpayer's actual liability for the
12 month or 26.25% of the taxpayer's liability for the same
13 calendar month of the preceding year. If the month during
14 which such tax liability is incurred begins on or after
15 January 1, 1988, and prior to January 1, 1989, or begins on
16 or after January 1, 1996, each payment shall be in an amount
17 equal to 22.5% of the taxpayer's actual liability for the
18 month or 25% of the taxpayer's liability for the same
19 calendar month of the preceding year. If the month during
20 which such tax liability is incurred begins on or after
21 January 1, 1989, and prior to January 1, 1996, each payment
22 shall be in an amount equal to 22.5% of the taxpayer's actual
23 liability for the month or 25% of the taxpayer's liability
24 for the same calendar month of the preceding year or 100% of
25 the taxpayer's actual liability for the quarter monthly
26 reporting period. The amount of such quarter monthly
27 payments shall be credited against the final tax liability of
28 the taxpayer's return for that month. Before October 1,
29 2000, once applicable, the requirement of the making of
30 quarter monthly payments to the Department shall continue
31 until such taxpayer's average monthly liability to the
32 Department during the preceding 4 complete calendar quarters
33 (excluding the month of highest liability and the month of
34 lowest liability) is less than \$9,000, or until such

1 taxpayer's average monthly liability to the Department as
2 computed for each calendar quarter of the 4 preceding
3 complete calendar quarter period is less than \$10,000.
4 However, if a taxpayer can show the Department that a
5 substantial change in the taxpayer's business has occurred
6 which causes the taxpayer to anticipate that his average
7 monthly tax liability for the reasonably foreseeable future
8 will fall below the \$10,000 threshold stated above, then such
9 taxpayer may petition the Department for change in such
10 taxpayer's reporting status. On and after October 1, 2000,
11 once applicable, the requirement of the making of quarter
12 monthly payments to the Department shall continue until such
13 taxpayer's average monthly liability to the Department during
14 the preceding 4 complete calendar quarters (excluding the
15 month of highest liability and the month of lowest liability)
16 is less than \$19,000 or until such taxpayer's average monthly
17 liability to the Department as computed for each calendar
18 quarter of the 4 preceding complete calendar quarter period
19 is less than \$20,000. However, if a taxpayer can show the
20 Department that a substantial change in the taxpayer's
21 business has occurred which causes the taxpayer to anticipate
22 that his average monthly tax liability for the reasonably
23 foreseeable future will fall below the \$20,000 threshold
24 stated above, then such taxpayer may petition the Department
25 for a change in such taxpayer's reporting status. The
26 Department shall change such taxpayer's reporting status
27 unless it finds that such change is seasonal in nature and
28 not likely to be long term. If any such quarter monthly
29 payment is not paid at the time or in the amount required by
30 this Section, then the taxpayer shall be liable for penalties
31 and interest on the difference between the minimum amount due
32 and the amount of such quarter monthly payment actually and
33 timely paid, except insofar as the taxpayer has previously
34 made payments for that month to the Department in excess of

1 the minimum payments previously due as provided in this
2 Section. The Department shall make reasonable rules and
3 regulations to govern the quarter monthly payment amount and
4 quarter monthly payment dates for taxpayers who file on other
5 than a calendar monthly basis.

6 If any such payment provided for in this Section exceeds
7 the taxpayer's liabilities under this Act, the Retailers'
8 Occupation Tax Act, the Service Occupation Tax Act and the
9 Service Use Tax Act, as shown by an original monthly return,
10 the Department shall issue to the taxpayer a credit
11 memorandum no later than 30 days after the date of payment,
12 which memorandum may be submitted by the taxpayer to the
13 Department in payment of tax liability subsequently to be
14 remitted by the taxpayer to the Department or be assigned by
15 the taxpayer to a similar taxpayer under this Act, the
16 Retailers' Occupation Tax Act, the Service Occupation Tax Act
17 or the Service Use Tax Act, in accordance with reasonable
18 rules and regulations to be prescribed by the Department,
19 except that if such excess payment is shown on an original
20 monthly return and is made after December 31, 1986, no credit
21 memorandum shall be issued, unless requested by the taxpayer.
22 If no such request is made, the taxpayer may credit such
23 excess payment against tax liability subsequently to be
24 remitted by the taxpayer to the Department under this Act,
25 the Retailers' Occupation Tax Act, the Service Occupation Tax
26 Act or the Service Use Tax Act, in accordance with reasonable
27 rules and regulations prescribed by the Department. If the
28 Department subsequently determines that all or any part of
29 the credit taken was not actually due to the taxpayer, the
30 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced
31 by 2.1% or 1.75% of the difference between the credit taken
32 and that actually due, and the taxpayer shall be liable for
33 penalties and interest on such difference.

34 If the retailer is otherwise required to file a monthly

1 return and if the retailer's average monthly tax liability to
2 the Department does not exceed \$200, the Department may
3 authorize his returns to be filed on a quarter annual basis,
4 with the return for January, February, and March of a given
5 year being due by April 20 of such year; with the return for
6 April, May and June of a given year being due by July 20 of
7 such year; with the return for July, August and September of
8 a given year being due by October 20 of such year, and with
9 the return for October, November and December of a given year
10 being due by January 20 of the following year.

11 If the retailer is otherwise required to file a monthly
12 or quarterly return and if the retailer's average monthly tax
13 liability to the Department does not exceed \$50, the
14 Department may authorize his returns to be filed on an annual
15 basis, with the return for a given year being due by January
16 20 of the following year.

17 Such quarter annual and annual returns, as to form and
18 substance, shall be subject to the same requirements as
19 monthly returns.

20 Notwithstanding any other provision in this Act
21 concerning the time within which a retailer may file his
22 return, in the case of any retailer who ceases to engage in a
23 kind of business which makes him responsible for filing
24 returns under this Act, such retailer shall file a final
25 return under this Act with the Department not more than one
26 month after discontinuing such business.

27 In addition, with respect to motor vehicles, watercraft,
28 aircraft, and trailers that are required to be registered
29 with an agency of this State, every retailer selling this
30 kind of tangible personal property shall file, with the
31 Department, upon a form to be prescribed and supplied by the
32 Department, a separate return for each such item of tangible
33 personal property which the retailer sells, except that if,
34 in the same transaction, (i) a retailer of aircraft,

1 watercraft, motor vehicles or trailers transfers more than
2 one aircraft, watercraft, motor vehicle or trailer to another
3 aircraft, watercraft, motor vehicle or trailer retailer for
4 the purpose of resale or (ii) a retailer of aircraft,
5 watercraft, motor vehicles, or trailers transfers more than
6 one aircraft, watercraft, motor vehicle, or trailer to a
7 purchaser for use as a qualifying rolling stock as provided
8 in Section 3-55 of this Act, then that seller may report the
9 transfer of all the aircraft, watercraft, motor vehicles or
10 trailers involved in that transaction to the Department on
11 the same uniform invoice-transaction reporting return form.
12 For purposes of this Section, "watercraft" means a Class 2,
13 Class 3, or Class 4 watercraft as defined in Section 3-2 of
14 the Boat Registration and Safety Act, a personal watercraft,
15 or any boat equipped with an inboard motor.

16 The transaction reporting return in the case of motor
17 vehicles or trailers that are required to be registered with
18 an agency of this State, shall be the same document as the
19 Uniform Invoice referred to in Section 5-402 of the Illinois
20 Vehicle Code and must show the name and address of the
21 seller; the name and address of the purchaser; the amount of
22 the selling price including the amount allowed by the
23 retailer for traded-in property, if any; the amount allowed
24 by the retailer for the traded-in tangible personal property,
25 if any, to the extent to which Section 2 of this Act allows
26 an exemption for the value of traded-in property; the balance
27 payable after deducting such trade-in allowance from the
28 total selling price; the amount of tax due from the retailer
29 with respect to such transaction; the amount of tax collected
30 from the purchaser by the retailer on such transaction (or
31 satisfactory evidence that such tax is not due in that
32 particular instance, if that is claimed to be the fact); the
33 place and date of the sale; a sufficient identification of
34 the property sold; such other information as is required in

1 Section 5-402 of the Illinois Vehicle Code, and such other
2 information as the Department may reasonably require.

3 The transaction reporting return in the case of
4 watercraft and aircraft must show the name and address of the
5 seller; the name and address of the purchaser; the amount of
6 the selling price including the amount allowed by the
7 retailer for traded-in property, if any; the amount allowed
8 by the retailer for the traded-in tangible personal property,
9 if any, to the extent to which Section 2 of this Act allows
10 an exemption for the value of traded-in property; the balance
11 payable after deducting such trade-in allowance from the
12 total selling price; the amount of tax due from the retailer
13 with respect to such transaction; the amount of tax collected
14 from the purchaser by the retailer on such transaction (or
15 satisfactory evidence that such tax is not due in that
16 particular instance, if that is claimed to be the fact); the
17 place and date of the sale, a sufficient identification of
18 the property sold, and such other information as the
19 Department may reasonably require.

20 Such transaction reporting return shall be filed not
21 later than 20 days after the date of delivery of the item
22 that is being sold, but may be filed by the retailer at any
23 time sooner than that if he chooses to do so. The
24 transaction reporting return and tax remittance or proof of
25 exemption from the tax that is imposed by this Act may be
26 transmitted to the Department by way of the State agency with
27 which, or State officer with whom, the tangible personal
28 property must be titled or registered (if titling or
29 registration is required) if the Department and such agency
30 or State officer determine that this procedure will expedite
31 the processing of applications for title or registration.

32 With each such transaction reporting return, the retailer
33 shall remit the proper amount of tax due (or shall submit
34 satisfactory evidence that the sale is not taxable if that is

1 the case), to the Department or its agents, whereupon the
2 Department shall issue, in the purchaser's name, a tax
3 receipt (or a certificate of exemption if the Department is
4 satisfied that the particular sale is tax exempt) which such
5 purchaser may submit to the agency with which, or State
6 officer with whom, he must title or register the tangible
7 personal property that is involved (if titling or
8 registration is required) in support of such purchaser's
9 application for an Illinois certificate or other evidence of
10 title or registration to such tangible personal property.

11 No retailer's failure or refusal to remit tax under this
12 Act precludes a user, who has paid the proper tax to the
13 retailer, from obtaining his certificate of title or other
14 evidence of title or registration (if titling or registration
15 is required) upon satisfying the Department that such user
16 has paid the proper tax (if tax is due) to the retailer. The
17 Department shall adopt appropriate rules to carry out the
18 mandate of this paragraph.

19 If the user who would otherwise pay tax to the retailer
20 wants the transaction reporting return filed and the payment
21 of tax or proof of exemption made to the Department before
22 the retailer is willing to take these actions and such user
23 has not paid the tax to the retailer, such user may certify
24 to the fact of such delay by the retailer, and may (upon the
25 Department being satisfied of the truth of such
26 certification) transmit the information required by the
27 transaction reporting return and the remittance for tax or
28 proof of exemption directly to the Department and obtain his
29 tax receipt or exemption determination, in which event the
30 transaction reporting return and tax remittance (if a tax
31 payment was required) shall be credited by the Department to
32 the proper retailer's account with the Department, but
33 without the 2.1% or 1.75% discount provided for in this
34 Section being allowed. When the user pays the tax directly

1 to the Department, he shall pay the tax in the same amount
2 and in the same form in which it would be remitted if the tax
3 had been remitted to the Department by the retailer.

4 Where a retailer collects the tax with respect to the
5 selling price of tangible personal property which he sells
6 and the purchaser thereafter returns such tangible personal
7 property and the retailer refunds the selling price thereof
8 to the purchaser, such retailer shall also refund, to the
9 purchaser, the tax so collected from the purchaser. When
10 filing his return for the period in which he refunds such tax
11 to the purchaser, the retailer may deduct the amount of the
12 tax so refunded by him to the purchaser from any other use
13 tax which such retailer may be required to pay or remit to
14 the Department, as shown by such return, if the amount of the
15 tax to be deducted was previously remitted to the Department
16 by such retailer. If the retailer has not previously
17 remitted the amount of such tax to the Department, he is
18 entitled to no deduction under this Act upon refunding such
19 tax to the purchaser.

20 Any retailer filing a return under this Section shall
21 also include (for the purpose of paying tax thereon) the
22 total tax covered by such return upon the selling price of
23 tangible personal property purchased by him at retail from a
24 retailer, but as to which the tax imposed by this Act was not
25 collected from the retailer filing such return, and such
26 retailer shall remit the amount of such tax to the Department
27 when filing such return.

28 If experience indicates such action to be practicable,
29 the Department may prescribe and furnish a combination or
30 joint return which will enable retailers, who are required to
31 file returns hereunder and also under the Retailers'
32 Occupation Tax Act, to furnish all the return information
33 required by both Acts on the one form.

34 Where the retailer has more than one business registered

1 with the Department under separate registration under this
2 Act, such retailer may not file each return that is due as a
3 single return covering all such registered businesses, but
4 shall file separate returns for each such registered
5 business.

6 Beginning January 1, 1990, each month the Department
7 shall pay into the State and Local Sales Tax Reform Fund, a
8 special fund in the State Treasury which is hereby created,
9 the net revenue realized for the preceding month from the 1%
10 tax on sales of food for human consumption which is to be
11 consumed off the premises where it is sold (other than
12 alcoholic beverages, soft drinks and food which has been
13 prepared for immediate consumption) and prescription and
14 nonprescription medicines, drugs, medical appliances and
15 insulin, urine testing materials, syringes and needles used
16 by diabetics.

17 Beginning January 1, 1990, each month the Department
18 shall pay into the County and Mass Transit District Fund 4%
19 of the net revenue realized for the preceding month from the
20 6.25% general rate on the selling price of tangible personal
21 property which is purchased outside Illinois at retail from a
22 retailer and which is titled or registered by an agency of
23 this State's government.

24 Beginning January 1, 1990, each month the Department
25 shall pay into the State and Local Sales Tax Reform Fund, a
26 special fund in the State Treasury, 20% of the net revenue
27 realized for the preceding month from the 6.25% general rate
28 on the selling price of tangible personal property, other
29 than tangible personal property which is purchased outside
30 Illinois at retail from a retailer and which is titled or
31 registered by an agency of this State's government.

32 Beginning August 1, 2000, each month the Department shall
33 pay into the State and Local Sales Tax Reform Fund 100% of
34 the net revenue realized for the preceding month from the

1 1.25% rate on the selling price of motor fuel and gasohol.

2 Beginning January 1, 1990, each month the Department
3 shall pay into the Local Government Tax Fund 16% of the net
4 revenue realized for the preceding month from the 6.25%
5 general rate on the selling price of tangible personal
6 property which is purchased outside Illinois at retail from a
7 retailer and which is titled or registered by an agency of
8 this State's government.

9 Of the remainder of the moneys received by the Department
10 pursuant to this Act, (a) 1.75% thereof shall be paid into
11 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
12 and on and after July 1, 1989, 3.8% thereof shall be paid
13 into the Build Illinois Fund; provided, however, that if in
14 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
15 as the case may be, of the moneys received by the Department
16 and required to be paid into the Build Illinois Fund pursuant
17 to Section 3 of the Retailers' Occupation Tax Act, Section 9
18 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
19 Section 9 of the Service Occupation Tax Act, such Acts being
20 hereinafter called the "Tax Acts" and such aggregate of 2.2%
21 or 3.8%, as the case may be, of moneys being hereinafter
22 called the "Tax Act Amount", and (2) the amount transferred
23 to the Build Illinois Fund from the State and Local Sales Tax
24 Reform Fund shall be less than the Annual Specified Amount
25 (as defined in Section 3 of the Retailers' Occupation Tax
26 Act), an amount equal to the difference shall be immediately
27 paid into the Build Illinois Fund from other moneys received
28 by the Department pursuant to the Tax Acts; and further
29 provided, that if on the last business day of any month the
30 sum of (1) the Tax Act Amount required to be deposited into
31 the Build Illinois Bond Account in the Build Illinois Fund
32 during such month and (2) the amount transferred during such
33 month to the Build Illinois Fund from the State and Local
34 Sales Tax Reform Fund shall have been less than 1/12 of the

1 Annual Specified Amount, an amount equal to the difference
2 shall be immediately paid into the Build Illinois Fund from
3 other moneys received by the Department pursuant to the Tax
4 Acts; and, further provided, that in no event shall the
5 payments required under the preceding proviso result in
6 aggregate payments into the Build Illinois Fund pursuant to
7 this clause (b) for any fiscal year in excess of the greater
8 of (i) the Tax Act Amount or (ii) the Annual Specified Amount
9 for such fiscal year; and, further provided, that the amounts
10 payable into the Build Illinois Fund under this clause (b)
11 shall be payable only until such time as the aggregate amount
12 on deposit under each trust indenture securing Bonds issued
13 and outstanding pursuant to the Build Illinois Bond Act is
14 sufficient, taking into account any future investment income,
15 to fully provide, in accordance with such indenture, for the
16 defeasance of or the payment of the principal of, premium, if
17 any, and interest on the Bonds secured by such indenture and
18 on any Bonds expected to be issued thereafter and all fees
19 and costs payable with respect thereto, all as certified by
20 the Director of the Bureau of the Budget. If on the last
21 business day of any month in which Bonds are outstanding
22 pursuant to the Build Illinois Bond Act, the aggregate of the
23 moneys deposited in the Build Illinois Bond Account in the
24 Build Illinois Fund in such month shall be less than the
25 amount required to be transferred in such month from the
26 Build Illinois Bond Account to the Build Illinois Bond
27 Retirement and Interest Fund pursuant to Section 13 of the
28 Build Illinois Bond Act, an amount equal to such deficiency
29 shall be immediately paid from other moneys received by the
30 Department pursuant to the Tax Acts to the Build Illinois
31 Fund; provided, however, that any amounts paid to the Build
32 Illinois Fund in any fiscal year pursuant to this sentence
33 shall be deemed to constitute payments pursuant to clause (b)
34 of the preceding sentence and shall reduce the amount

1 otherwise payable for such fiscal year pursuant to clause (b)
 2 of the preceding sentence. The moneys received by the
 3 Department pursuant to this Act and required to be deposited
 4 into the Build Illinois Fund are subject to the pledge, claim
 5 and charge set forth in Section 12 of the Build Illinois Bond
 6 Act.

7 Subject to payment of amounts into the Build Illinois
 8 Fund as provided in the preceding paragraph or in any
 9 amendment thereto hereafter enacted, the following specified
 10 monthly installment of the amount requested in the
 11 certificate of the Chairman of the Metropolitan Pier and
 12 Exposition Authority provided under Section 8.25f of the
 13 State Finance Act, but not in excess of the sums designated
 14 as "Total Deposit", shall be deposited in the aggregate from
 15 collections under Section 9 of the Use Tax Act, Section 9 of
 16 the Service Use Tax Act, Section 9 of the Service Occupation
 17 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 18 into the McCormick Place Expansion Project Fund in the
 19 specified fiscal years.

20	Fiscal Year	Total Deposit
21	1993	\$0
22	1994	53,000,000
23	1995	58,000,000
24	1996	61,000,000
25	1997	64,000,000
26	1998	68,000,000
27	1999	71,000,000
28	2000	75,000,000
29	2001	80,000,000
30	2002	84,000,000
31	2003	89,000,000
32	2004	93,000,000
33	2005	97,000,000
34	2006	102,000,000

1	2007	108,000,000
2	2008	115,000,000
3	2009	120,000,000
4	2010	126,000,000
5	2011	132,000,000
6	2012	138,000,000
7	2013 and	145,000,000

8 each fiscal year
9 thereafter that bonds
10 are outstanding under
11 Section 13.2 of the
12 Metropolitan Pier and
13 Exposition Authority
14 Act, but not after fiscal year 2029.

15 Beginning July 20, 1993 and in each month of each fiscal
16 year thereafter, one-eighth of the amount requested in the
17 certificate of the Chairman of the Metropolitan Pier and
18 Exposition Authority for that fiscal year, less the amount
19 deposited into the McCormick Place Expansion Project Fund by
20 the State Treasurer in the respective month under subsection
21 (g) of Section 13 of the Metropolitan Pier and Exposition
22 Authority Act, plus cumulative deficiencies in the deposits
23 required under this Section for previous months and years,
24 shall be deposited into the McCormick Place Expansion Project
25 Fund, until the full amount requested for the fiscal year,
26 but not in excess of the amount specified above as "Total
27 Deposit", has been deposited.

28 Subject to payment of amounts into the Build Illinois
29 Fund and the McCormick Place Expansion Project Fund pursuant
30 to the preceding paragraphs or in any amendment thereto
31 hereafter enacted, each month the Department shall pay into
32 the Local Government Distributive Fund .4% of the net revenue
33 realized for the preceding month from the 5% general rate, or
34 .4% of 80% of the net revenue realized for the preceding

1 month from the 6.25% general rate, as the case may be, on the
2 selling price of tangible personal property which amount
3 shall, subject to appropriation, be distributed as provided
4 in Section 2 of the State Revenue Sharing Act. No payments or
5 distributions pursuant to this paragraph shall be made if the
6 tax imposed by this Act on photoprocessing products is
7 declared unconstitutional, or if the proceeds from such tax
8 are unavailable for distribution because of litigation.

9 Subject to payment of amounts into the Build Illinois
10 Fund, the McCormick Place Expansion Project Fund, and the
11 Local Government Distributive Fund pursuant to the preceding
12 paragraphs or in any amendments thereto hereafter enacted,
13 beginning July 1, 1993, the Department shall each month pay
14 into the Illinois Tax Increment Fund 0.27% of 80% of the net
15 revenue realized for the preceding month from the 6.25%
16 general rate on the selling price of tangible personal
17 property.

18 Of the remainder of the moneys received by the Department
19 pursuant to this Act, (1) 75% thereof shall be paid as
20 follows: (A) for that portion from motor fuel, as defined
21 in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as
22 defined in Section 3-40 of the Use Tax Act, one-third shall
23 be paid into the Downstate Public Transportation Fund,
24 one-third shall be paid into the Public Transportation Fund,
25 and one-third shall be paid into the Road Fund; and (B) the
26 remainder shall be paid into the State Treasury; and (2) 25%
27 shall be reserved in a special account and used only for the
28 transfer to the Common School Fund as part of the monthly
29 transfer from the General Revenue Fund in accordance with
30 Section 8a of the State Finance Act.

31 As soon as possible after the first day of each month,
32 upon certification of the Department of Revenue, the
33 Comptroller shall order transferred and the Treasurer shall
34 transfer from the General Revenue Fund to the Motor Fuel Tax

1 Fund an amount equal to 1.7% of 80% of the net revenue
2 realized under this Act for the second preceding month.
3 Beginning April 1, 2000, this transfer is no longer required
4 and shall not be made.

5 Net revenue realized for a month shall be the revenue
6 collected by the State pursuant to this Act, less the amount
7 paid out during that month as refunds to taxpayers for
8 overpayment of liability.

9 For greater simplicity of administration, manufacturers,
10 importers and wholesalers whose products are sold at retail
11 in Illinois by numerous retailers, and who wish to do so, may
12 assume the responsibility for accounting and paying to the
13 Department all tax accruing under this Act with respect to
14 such sales, if the retailers who are affected do not make
15 written objection to the Department to this arrangement.

16 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
17 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
18 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,
19 eff. 1-1-01; revised 8-30-00.)

20 Section 10. The Service Use Tax Act is amended by
21 changing Section 9 as follows:

22 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

23 Sec. 9. Each serviceman required or authorized to
24 collect the tax herein imposed shall pay to the Department
25 the amount of such tax (except as otherwise provided) at the
26 time when he is required to file his return for the period
27 during which such tax was collected, less a discount of 2.1%
28 prior to January 1, 1990 and 1.75% on and after January 1,
29 1990, or \$5 per calendar year, whichever is greater, which is
30 allowed to reimburse the serviceman for expenses incurred in
31 collecting the tax, keeping records, preparing and filing
32 returns, remitting the tax and supplying data to the

1 Department on request. A serviceman need not remit that part
2 of any tax collected by him to the extent that he is required
3 to pay and does pay the tax imposed by the Service Occupation
4 Tax Act with respect to his sale of service involving the
5 incidental transfer by him of the same property.

6 Except as provided hereinafter in this Section, on or
7 before the twentieth day of each calendar month, such
8 serviceman shall file a return for the preceding calendar
9 month in accordance with reasonable Rules and Regulations to
10 be promulgated by the Department. Such return shall be filed
11 on a form prescribed by the Department and shall contain such
12 information as the Department may reasonably require.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter.
17 The taxpayer shall also file a return with the Department for
18 each of the first two months of each calendar quarter, on or
19 before the twentieth day of the following calendar month,
20 stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business
23 from which he engages in business as a serviceman in this
24 State;
- 25 3. The total amount of taxable receipts received by
26 him during the preceding calendar month, including
27 receipts from charge and time sales, but less all
28 deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of
30 this Act;
- 31 5. The amount of tax due;
- 32 5-5. The signature of the taxpayer; and
- 33 6. Such other reasonable information as the
34 Department may require.

1 If a taxpayer fails to sign a return within 30 days after
2 the proper notice and demand for signature by the Department,
3 the return shall be considered valid and any amount shown to
4 be due on the return shall be deemed assessed.

5 Beginning October 1, 1993, a taxpayer who has an average
6 monthly tax liability of \$150,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 1994, a taxpayer who
9 has an average monthly tax liability of \$100,000 or more
10 shall make all payments required by rules of the Department
11 by electronic funds transfer. Beginning October 1, 1995, a
12 taxpayer who has an average monthly tax liability of \$50,000
13 or more shall make all payments required by rules of the
14 Department by electronic funds transfer. Beginning October 1,
15 2000, a taxpayer who has an annual tax liability of \$200,000
16 or more shall make all payments required by rules of the
17 Department by electronic funds transfer. The term "annual
18 tax liability" shall be the sum of the taxpayer's liabilities
19 under this Act, and under all other State and local
20 occupation and use tax laws administered by the Department,
21 for the immediately preceding calendar year. The term
22 "average monthly tax liability" means the sum of the
23 taxpayer's liabilities under this Act, and under all other
24 State and local occupation and use tax laws administered by
25 the Department, for the immediately preceding calendar year
26 divided by 12.

27 Before August 1 of each year beginning in 1993, the
28 Department shall notify all taxpayers required to make
29 payments by electronic funds transfer. All taxpayers required
30 to make payments by electronic funds transfer shall make
31 those payments for a minimum of one year beginning on October
32 1.

33 Any taxpayer not required to make payments by electronic
34 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic
3 funds transfer and any taxpayers authorized to voluntarily
4 make payments by electronic funds transfer shall make those
5 payments in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to
7 effectuate a program of electronic funds transfer and the
8 requirements of this Section.

9 If the serviceman is otherwise required to file a monthly
10 return and if the serviceman's average monthly tax liability
11 to the Department does not exceed \$200, the Department may
12 authorize his returns to be filed on a quarter annual basis,
13 with the return for January, February and March of a given
14 year being due by April 20 of such year; with the return for
15 April, May and June of a given year being due by July 20 of
16 such year; with the return for July, August and September of
17 a given year being due by October 20 of such year, and with
18 the return for October, November and December of a given year
19 being due by January 20 of the following year.

20 If the serviceman is otherwise required to file a monthly
21 or quarterly return and if the serviceman's average monthly
22 tax liability to the Department does not exceed \$50, the
23 Department may authorize his returns to be filed on an annual
24 basis, with the return for a given year being due by January
25 20 of the following year.

26 Such quarter annual and annual returns, as to form and
27 substance, shall be subject to the same requirements as
28 monthly returns.

29 Notwithstanding any other provision in this Act
30 concerning the time within which a serviceman may file his
31 return, in the case of any serviceman who ceases to engage in
32 a kind of business which makes him responsible for filing
33 returns under this Act, such serviceman shall file a final
34 return under this Act with the Department not more than 1

1 month after discontinuing such business.

2 Where a serviceman collects the tax with respect to the
3 selling price of property which he sells and the purchaser
4 thereafter returns such property and the serviceman refunds
5 the selling price thereof to the purchaser, such serviceman
6 shall also refund, to the purchaser, the tax so collected
7 from the purchaser. When filing his return for the period in
8 which he refunds such tax to the purchaser, the serviceman
9 may deduct the amount of the tax so refunded by him to the
10 purchaser from any other Service Use Tax, Service Occupation
11 Tax, retailers' occupation tax or use tax which such
12 serviceman may be required to pay or remit to the Department,
13 as shown by such return, provided that the amount of the tax
14 to be deducted shall previously have been remitted to the
15 Department by such serviceman. If the serviceman shall not
16 previously have remitted the amount of such tax to the
17 Department, he shall be entitled to no deduction hereunder
18 upon refunding such tax to the purchaser.

19 Any serviceman filing a return hereunder shall also
20 include the total tax upon the selling price of tangible
21 personal property purchased for use by him as an incident to
22 a sale of service, and such serviceman shall remit the amount
23 of such tax to the Department when filing such return.

24 If experience indicates such action to be practicable,
25 the Department may prescribe and furnish a combination or
26 joint return which will enable servicemen, who are required
27 to file returns hereunder and also under the Service
28 Occupation Tax Act, to furnish all the return information
29 required by both Acts on the one form.

30 Where the serviceman has more than one business
31 registered with the Department under separate registration
32 hereunder, such serviceman shall not file each return that is
33 due as a single return covering all such registered
34 businesses, but shall file separate returns for each such

1 registered business.

2 Beginning January 1, 1990, each month the Department
3 shall pay into the State and Local Tax Reform Fund, a special
4 fund in the State Treasury, the net revenue realized for the
5 preceding month from the 1% tax on sales of food for human
6 consumption which is to be consumed off the premises where it
7 is sold (other than alcoholic beverages, soft drinks and food
8 which has been prepared for immediate consumption) and
9 prescription and nonprescription medicines, drugs, medical
10 appliances and insulin, urine testing materials, syringes and
11 needles used by diabetics.

12 Beginning January 1, 1990, each month the Department
13 shall pay into the State and Local Sales Tax Reform Fund 20%
14 of the net revenue realized for the preceding month from the
15 6.25% general rate on transfers of tangible personal
16 property, other than tangible personal property which is
17 purchased outside Illinois at retail from a retailer and
18 which is titled or registered by an agency of this State's
19 government.

20 Beginning August 1, 2000, each month the Department shall
21 pay into the State and Local Sales Tax Reform Fund 100% of
22 the net revenue realized for the preceding month from the
23 1.25% rate on the selling price of motor fuel and gasohol.

24 Of the remainder of the moneys received by the Department
25 pursuant to this Act, (a) 1.75% thereof shall be paid into
26 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
27 and on and after July 1, 1989, 3.8% thereof shall be paid
28 into the Build Illinois Fund; provided, however, that if in
29 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
30 as the case may be, of the moneys received by the Department
31 and required to be paid into the Build Illinois Fund pursuant
32 to Section 3 of the Retailers' Occupation Tax Act, Section 9
33 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
34 Section 9 of the Service Occupation Tax Act, such Acts being

1 hereinafter called the "Tax Acts" and such aggregate of 2.2%
2 or 3.8%, as the case may be, of moneys being hereinafter
3 called the "Tax Act Amount", and (2) the amount transferred
4 to the Build Illinois Fund from the State and Local Sales Tax
5 Reform Fund shall be less than the Annual Specified Amount
6 (as defined in Section 3 of the Retailers' Occupation Tax
7 Act), an amount equal to the difference shall be immediately
8 paid into the Build Illinois Fund from other moneys received
9 by the Department pursuant to the Tax Acts; and further
10 provided, that if on the last business day of any month the
11 sum of (1) the Tax Act Amount required to be deposited into
12 the Build Illinois Bond Account in the Build Illinois Fund
13 during such month and (2) the amount transferred during such
14 month to the Build Illinois Fund from the State and Local
15 Sales Tax Reform Fund shall have been less than 1/12 of the
16 Annual Specified Amount, an amount equal to the difference
17 shall be immediately paid into the Build Illinois Fund from
18 other moneys received by the Department pursuant to the Tax
19 Acts; and, further provided, that in no event shall the
20 payments required under the preceding proviso result in
21 aggregate payments into the Build Illinois Fund pursuant to
22 this clause (b) for any fiscal year in excess of the greater
23 of (i) the Tax Act Amount or (ii) the Annual Specified Amount
24 for such fiscal year; and, further provided, that the amounts
25 payable into the Build Illinois Fund under this clause (b)
26 shall be payable only until such time as the aggregate amount
27 on deposit under each trust indenture securing Bonds issued
28 and outstanding pursuant to the Build Illinois Bond Act is
29 sufficient, taking into account any future investment income,
30 to fully provide, in accordance with such indenture, for the
31 defeasance of or the payment of the principal of, premium, if
32 any, and interest on the Bonds secured by such indenture and
33 on any Bonds expected to be issued thereafter and all fees
34 and costs payable with respect thereto, all as certified by

1 the Director of the Bureau of the Budget. If on the last
2 business day of any month in which Bonds are outstanding
3 pursuant to the Build Illinois Bond Act, the aggregate of the
4 moneys deposited in the Build Illinois Bond Account in the
5 Build Illinois Fund in such month shall be less than the
6 amount required to be transferred in such month from the
7 Build Illinois Bond Account to the Build Illinois Bond
8 Retirement and Interest Fund pursuant to Section 13 of the
9 Build Illinois Bond Act, an amount equal to such deficiency
10 shall be immediately paid from other moneys received by the
11 Department pursuant to the Tax Acts to the Build Illinois
12 Fund; provided, however, that any amounts paid to the Build
13 Illinois Fund in any fiscal year pursuant to this sentence
14 shall be deemed to constitute payments pursuant to clause (b)
15 of the preceding sentence and shall reduce the amount
16 otherwise payable for such fiscal year pursuant to clause (b)
17 of the preceding sentence. The moneys received by the
18 Department pursuant to this Act and required to be deposited
19 into the Build Illinois Fund are subject to the pledge, claim
20 and charge set forth in Section 12 of the Build Illinois Bond
21 Act.

22 Subject to payment of amounts into the Build Illinois
23 Fund as provided in the preceding paragraph or in any
24 amendment thereto hereafter enacted, the following specified
25 monthly installment of the amount requested in the
26 certificate of the Chairman of the Metropolitan Pier and
27 Exposition Authority provided under Section 8.25f of the
28 State Finance Act, but not in excess of the sums designated
29 as "Total Deposit", shall be deposited in the aggregate from
30 collections under Section 9 of the Use Tax Act, Section 9 of
31 the Service Use Tax Act, Section 9 of the Service Occupation
32 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
33 into the McCormick Place Expansion Project Fund in the
34 specified fiscal years.

1	Fiscal Year	Total Deposit
2	1993	\$0
3	1994	53,000,000
4	1995	58,000,000
5	1996	61,000,000
6	1997	64,000,000
7	1998	68,000,000
8	1999	71,000,000
9	2000	75,000,000
10	2001	80,000,000
11	2002	84,000,000
12	2003	89,000,000
13	2004	93,000,000
14	2005	97,000,000
15	2006	102,000,000
16	2007	108,000,000
17	2008	115,000,000
18	2009	120,000,000
19	2010	126,000,000
20	2011	132,000,000
21	2012	138,000,000
22	2013 and	145,000,000

23 each fiscal year
24 thereafter that bonds
25 are outstanding under
26 Section 13.2 of the
27 Metropolitan Pier and
28 Exposition Authority Act,
29 but not after fiscal year 2029.

30 Beginning July 20, 1993 and in each month of each fiscal
31 year thereafter, one-eighth of the amount requested in the
32 certificate of the Chairman of the Metropolitan Pier and
33 Exposition Authority for that fiscal year, less the amount
34 deposited into the McCormick Place Expansion Project Fund by

1 the State Treasurer in the respective month under subsection
2 (g) of Section 13 of the Metropolitan Pier and Exposition
3 Authority Act, plus cumulative deficiencies in the deposits
4 required under this Section for previous months and years,
5 shall be deposited into the McCormick Place Expansion Project
6 Fund, until the full amount requested for the fiscal year,
7 but not in excess of the amount specified above as "Total
8 Deposit", has been deposited.

9 Subject to payment of amounts into the Build Illinois
10 Fund and the McCormick Place Expansion Project Fund pursuant
11 to the preceding paragraphs or in any amendment thereto
12 hereafter enacted, each month the Department shall pay into
13 the Local Government Distributive Fund 0.4% of the net
14 revenue realized for the preceding month from the 5% general
15 rate or 0.4% of 80% of the net revenue realized for the
16 preceding month from the 6.25% general rate, as the case may
17 be, on the selling price of tangible personal property which
18 amount shall, subject to appropriation, be distributed as
19 provided in Section 2 of the State Revenue Sharing Act. No
20 payments or distributions pursuant to this paragraph shall be
21 made if the tax imposed by this Act on photo processing
22 products is declared unconstitutional, or if the proceeds
23 from such tax are unavailable for distribution because of
24 litigation.

25 Subject to payment of amounts into the Build Illinois
26 Fund, the McCormick Place Expansion Project Fund, and the
27 Local Government Distributive Fund pursuant to the preceding
28 paragraphs or in any amendments thereto hereafter enacted,
29 beginning July 1, 1993, the Department shall each month pay
30 into the Illinois Tax Increment Fund 0.27% of 80% of the net
31 revenue realized for the preceding month from the 6.25%
32 general rate on the selling price of tangible personal
33 property.

34 All remaining moneys received by the Department pursuant

1 to this Act shall be paid as follows: (1) for that portion
 2 from motor fuel, as defined in Section 1.1 of the Motor Fuel
 3 Tax Law, and gasohol, as defined in Section 3-40 of the Use
 4 Tax Act, one-third shall be paid into the Downstate Public
 5 Transportation Fund, one-third shall be paid into the Public
 6 Transportation Fund, and one-third shall be paid into the
 7 Road Fund; and (2) the remainder shall be paid into the
 8 General Revenue Fund of the State Treasury.

9 As soon as possible after the first day of each month,
 10 upon certification of the Department of Revenue, the
 11 Comptroller shall order transferred and the Treasurer shall
 12 transfer from the General Revenue Fund to the Motor Fuel Tax
 13 Fund an amount equal to 1.7% of 80% of the net revenue
 14 realized under this Act for the second preceding month.
 15 Beginning April 1, 2000, this transfer is no longer required
 16 and shall not be made.

17 Net revenue realized for a month shall be the revenue
 18 collected by the State pursuant to this Act, less the amount
 19 paid out during that month as refunds to taxpayers for
 20 overpayment of liability.

21 (Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51,
 22 eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99;
 23 91-872, eff. 7-1-00.)

24 Section 15. The Service Occupation Tax Act is amended by
 25 changing Section 9 as follows:

26 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

27 Sec. 9. Each serviceman required or authorized to
 28 collect the tax herein imposed shall pay to the Department
 29 the amount of such tax at the time when he is required to
 30 file his return for the period during which such tax was
 31 collectible, less a discount of 2.1% prior to January 1,
 32 1990, and 1.75% on and after January 1, 1990, or \$5 per

1 calendar year, whichever is greater, which is allowed to
2 reimburse the serviceman for expenses incurred in collecting
3 the tax, keeping records, preparing and filing returns,
4 remitting the tax and supplying data to the Department on
5 request.

6 Where such tangible personal property is sold under a
7 conditional sales contract, or under any other form of sale
8 wherein the payment of the principal sum, or a part thereof,
9 is extended beyond the close of the period for which the
10 return is filed, the serviceman, in collecting the tax may
11 collect, for each tax return period, only the tax applicable
12 to the part of the selling price actually received during
13 such tax return period.

14 Except as provided hereinafter in this Section, on or
15 before the twentieth day of each calendar month, such
16 serviceman shall file a return for the preceding calendar
17 month in accordance with reasonable rules and regulations to
18 be promulgated by the Department of Revenue. Such return
19 shall be filed on a form prescribed by the Department and
20 shall contain such information as the Department may
21 reasonably require.

22 The Department may require returns to be filed on a
23 quarterly basis. If so required, a return for each calendar
24 quarter shall be filed on or before the twentieth day of the
25 calendar month following the end of such calendar quarter.
26 The taxpayer shall also file a return with the Department for
27 each of the first two months of each calendar quarter, on or
28 before the twentieth day of the following calendar month,
29 stating:

- 30 1. The name of the seller;
- 31 2. The address of the principal place of business
32 from which he engages in business as a serviceman in this
33 State;
- 34 3. The total amount of taxable receipts received by

1 him during the preceding calendar month, including
2 receipts from charge and time sales, but less all
3 deductions allowed by law;

4 4. The amount of credit provided in Section 2d of
5 this Act;

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the
9 Department may require.

10 If a taxpayer fails to sign a return within 30 days after
11 the proper notice and demand for signature by the Department,
12 the return shall be considered valid and any amount shown to
13 be due on the return shall be deemed assessed.

14 A serviceman may accept a Manufacturer's Purchase Credit
15 certification from a purchaser in satisfaction of Service Use
16 Tax as provided in Section 3-70 of the Service Use Tax Act if
17 the purchaser provides the appropriate documentation as
18 required by Section 3-70 of the Service Use Tax Act. A
19 Manufacturer's Purchase Credit certification, accepted by a
20 serviceman as provided in Section 3-70 of the Service Use Tax
21 Act, may be used by that serviceman to satisfy Service
22 Occupation Tax liability in the amount claimed in the
23 certification, not to exceed 6.25% of the receipts subject to
24 tax from a qualifying purchase.

25 If the serviceman's average monthly tax liability to the
26 Department does not exceed \$200, the Department may authorize
27 his returns to be filed on a quarter annual basis, with the
28 return for January, February and March of a given year being
29 due by April 20 of such year; with the return for April, May
30 and June of a given year being due by July 20 of such year;
31 with the return for July, August and September of a given
32 year being due by October 20 of such year, and with the
33 return for October, November and December of a given year
34 being due by January 20 of the following year.

1 If the serviceman's average monthly tax liability to the
2 Department does not exceed \$50, the Department may authorize
3 his returns to be filed on an annual basis, with the return
4 for a given year being due by January 20 of the following
5 year.

6 Such quarter annual and annual returns, as to form and
7 substance, shall be subject to the same requirements as
8 monthly returns.

9 Notwithstanding any other provision in this Act
10 concerning the time within which a serviceman may file his
11 return, in the case of any serviceman who ceases to engage in
12 a kind of business which makes him responsible for filing
13 returns under this Act, such serviceman shall file a final
14 return under this Act with the Department not more than 1
15 month after discontinuing such business.

16 Beginning October 1, 1993, a taxpayer who has an average
17 monthly tax liability of \$150,000 or more shall make all
18 payments required by rules of the Department by electronic
19 funds transfer. Beginning October 1, 1994, a taxpayer who
20 has an average monthly tax liability of \$100,000 or more
21 shall make all payments required by rules of the Department
22 by electronic funds transfer. Beginning October 1, 1995, a
23 taxpayer who has an average monthly tax liability of \$50,000
24 or more shall make all payments required by rules of the
25 Department by electronic funds transfer. Beginning October
26 1, 2000, a taxpayer who has an annual tax liability of
27 \$200,000 or more shall make all payments required by rules of
28 the Department by electronic funds transfer. The term
29 "annual tax liability" shall be the sum of the taxpayer's
30 liabilities under this Act, and under all other State and
31 local occupation and use tax laws administered by the
32 Department, for the immediately preceding calendar year. The
33 term "average monthly tax liability" means the sum of the
34 taxpayer's liabilities under this Act, and under all other

1 State and local occupation and use tax laws administered by
2 the Department, for the immediately preceding calendar year
3 divided by 12.

4 Before August 1 of each year beginning in 1993, the
5 Department shall notify all taxpayers required to make
6 payments by electronic funds transfer. All taxpayers
7 required to make payments by electronic funds transfer shall
8 make those payments for a minimum of one year beginning on
9 October 1.

10 Any taxpayer not required to make payments by electronic
11 funds transfer may make payments by electronic funds transfer
12 with the permission of the Department.

13 All taxpayers required to make payment by electronic
14 funds transfer and any taxpayers authorized to voluntarily
15 make payments by electronic funds transfer shall make those
16 payments in the manner authorized by the Department.

17 The Department shall adopt such rules as are necessary to
18 effectuate a program of electronic funds transfer and the
19 requirements of this Section.

20 Where a serviceman collects the tax with respect to the
21 selling price of tangible personal property which he sells
22 and the purchaser thereafter returns such tangible personal
23 property and the serviceman refunds the selling price thereof
24 to the purchaser, such serviceman shall also refund, to the
25 purchaser, the tax so collected from the purchaser. When
26 filing his return for the period in which he refunds such tax
27 to the purchaser, the serviceman may deduct the amount of the
28 tax so refunded by him to the purchaser from any other
29 Service Occupation Tax, Service Use Tax, Retailers'
30 Occupation Tax or Use Tax which such serviceman may be
31 required to pay or remit to the Department, as shown by such
32 return, provided that the amount of the tax to be deducted
33 shall previously have been remitted to the Department by such
34 serviceman. If the serviceman shall not previously have

1 remitted the amount of such tax to the Department, he shall
2 be entitled to no deduction hereunder upon refunding such tax
3 to the purchaser.

4 If experience indicates such action to be practicable,
5 the Department may prescribe and furnish a combination or
6 joint return which will enable servicemen, who are required
7 to file returns hereunder and also under the Retailers'
8 Occupation Tax Act, the Use Tax Act or the Service Use Tax
9 Act, to furnish all the return information required by all
10 said Acts on the one form.

11 Where the serviceman has more than one business
12 registered with the Department under separate registrations
13 hereunder, such serviceman shall file separate returns for
14 each registered business.

15 Beginning January 1, 1990, each month the Department
16 shall pay into the Local Government Tax Fund the revenue
17 realized for the preceding month from the 1% tax on sales of
18 food for human consumption which is to be consumed off the
19 premises where it is sold (other than alcoholic beverages,
20 soft drinks and food which has been prepared for immediate
21 consumption) and prescription and nonprescription medicines,
22 drugs, medical appliances and insulin, urine testing
23 materials, syringes and needles used by diabetics.

24 Beginning January 1, 1990, each month the Department
25 shall pay into the County and Mass Transit District Fund 4%
26 of the revenue realized for the preceding month from the
27 6.25% general rate.

28 Beginning August 1, 2000, each month the Department shall
29 pay into the County and Mass Transit District Fund 20% of the
30 net revenue realized for the preceding month from the 1.25%
31 rate on the selling price of motor fuel and gasohol.

32 Beginning January 1, 1990, each month the Department
33 shall pay into the Local Government Tax Fund 16% of the
34 revenue realized for the preceding month from the 6.25%

1 general rate on transfers of tangible personal property.

2 Beginning August 1, 2000, each month the Department shall
3 pay into the Local Government Tax Fund 80% of the net revenue
4 realized for the preceding month from the 1.25% rate on the
5 selling price of motor fuel and gasohol.

6 Of the remainder of the moneys received by the Department
7 pursuant to this Act, (a) 1.75% thereof shall be paid into
8 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
9 and on and after July 1, 1989, 3.8% thereof shall be paid
10 into the Build Illinois Fund; provided, however, that if in
11 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
12 as the case may be, of the moneys received by the Department
13 and required to be paid into the Build Illinois Fund pursuant
14 to Section 3 of the Retailers' Occupation Tax Act, Section 9
15 of the Use Tax Act, Section 9 of the Service Use Tax Act, and
16 Section 9 of the Service Occupation Tax Act, such Acts being
17 hereinafter called the "Tax Acts" and such aggregate of 2.2%
18 or 3.8%, as the case may be, of moneys being hereinafter
19 called the "Tax Act Amount", and (2) the amount transferred
20 to the Build Illinois Fund from the State and Local Sales Tax
21 Reform Fund shall be less than the Annual Specified Amount
22 (as defined in Section 3 of the Retailers' Occupation Tax
23 Act), an amount equal to the difference shall be immediately
24 paid into the Build Illinois Fund from other moneys received
25 by the Department pursuant to the Tax Acts; and further
26 provided, that if on the last business day of any month the
27 sum of (1) the Tax Act Amount required to be deposited into
28 the Build Illinois Account in the Build Illinois Fund during
29 such month and (2) the amount transferred during such month
30 to the Build Illinois Fund from the State and Local Sales Tax
31 Reform Fund shall have been less than 1/12 of the Annual
32 Specified Amount, an amount equal to the difference shall be
33 immediately paid into the Build Illinois Fund from other
34 moneys received by the Department pursuant to the Tax Acts;

1 and, further provided, that in no event shall the payments
2 required under the preceding proviso result in aggregate
3 payments into the Build Illinois Fund pursuant to this clause
4 (b) for any fiscal year in excess of the greater of (i) the
5 Tax Act Amount or (ii) the Annual Specified Amount for such
6 fiscal year; and, further provided, that the amounts payable
7 into the Build Illinois Fund under this clause (b) shall be
8 payable only until such time as the aggregate amount on
9 deposit under each trust indenture securing Bonds issued and
10 outstanding pursuant to the Build Illinois Bond Act is
11 sufficient, taking into account any future investment income,
12 to fully provide, in accordance with such indenture, for the
13 defeasance of or the payment of the principal of, premium, if
14 any, and interest on the Bonds secured by such indenture and
15 on any Bonds expected to be issued thereafter and all fees
16 and costs payable with respect thereto, all as certified by
17 the Director of the Bureau of the Budget. If on the last
18 business day of any month in which Bonds are outstanding
19 pursuant to the Build Illinois Bond Act, the aggregate of the
20 moneys deposited in the Build Illinois Bond Account in the
21 Build Illinois Fund in such month shall be less than the
22 amount required to be transferred in such month from the
23 Build Illinois Bond Account to the Build Illinois Bond
24 Retirement and Interest Fund pursuant to Section 13 of the
25 Build Illinois Bond Act, an amount equal to such deficiency
26 shall be immediately paid from other moneys received by the
27 Department pursuant to the Tax Acts to the Build Illinois
28 Fund; provided, however, that any amounts paid to the Build
29 Illinois Fund in any fiscal year pursuant to this sentence
30 shall be deemed to constitute payments pursuant to clause (b)
31 of the preceding sentence and shall reduce the amount
32 otherwise payable for such fiscal year pursuant to clause (b)
33 of the preceding sentence. The moneys received by the
34 Department pursuant to this Act and required to be deposited

1 into the Build Illinois Fund are subject to the pledge, claim
 2 and charge set forth in Section 12 of the Build Illinois Bond
 3 Act.

4 Subject to payment of amounts into the Build Illinois
 5 Fund as provided in the preceding paragraph or in any
 6 amendment thereto hereafter enacted, the following specified
 7 monthly installment of the amount requested in the
 8 certificate of the Chairman of the Metropolitan Pier and
 9 Exposition Authority provided under Section 8.25f of the
 10 State Finance Act, but not in excess of the sums designated
 11 as "Total Deposit", shall be deposited in the aggregate from
 12 collections under Section 9 of the Use Tax Act, Section 9 of
 13 the Service Use Tax Act, Section 9 of the Service Occupation
 14 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 15 into the McCormick Place Expansion Project Fund in the
 16 specified fiscal years.

17	Fiscal Year	Total Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000
26	2001	80,000,000
27	2002	84,000,000
28	2003	89,000,000
29	2004	93,000,000
30	2005	97,000,000
31	2006	102,000,000
32	2007	108,000,000
33	2008	115,000,000
34	2009	120,000,000

1	2010	126,000,000
2	2011	132,000,000
3	2012	138,000,000
4	2013 and	145,000,000

5 each fiscal year
6 thereafter that bonds
7 are outstanding under
8 Section 13.2 of the
9 Metropolitan Pier and
10 Exposition Authority

11 Act, but not after fiscal year 2029.

12 Beginning July 20, 1993 and in each month of each fiscal
13 year thereafter, one-eighth of the amount requested in the
14 certificate of the Chairman of the Metropolitan Pier and
15 Exposition Authority for that fiscal year, less the amount
16 deposited into the McCormick Place Expansion Project Fund by
17 the State Treasurer in the respective month under subsection
18 (g) of Section 13 of the Metropolitan Pier and Exposition
19 Authority Act, plus cumulative deficiencies in the deposits
20 required under this Section for previous months and years,
21 shall be deposited into the McCormick Place Expansion Project
22 Fund, until the full amount requested for the fiscal year,
23 but not in excess of the amount specified above as "Total
24 Deposit", has been deposited.

25 Subject to payment of amounts into the Build Illinois
26 Fund and the McCormick Place Expansion Project Fund pursuant
27 to the preceding paragraphs or in any amendment thereto
28 hereafter enacted, each month the Department shall pay into
29 the Local Government Distributive Fund 0.4% of the net
30 revenue realized for the preceding month from the 5% general
31 rate or 0.4% of 80% of the net revenue realized for the
32 preceding month from the 6.25% general rate, as the case may
33 be, on the selling price of tangible personal property which
34 amount shall, subject to appropriation, be distributed as

1 provided in Section 2 of the State Revenue Sharing Act. No
2 payments or distributions pursuant to this paragraph shall be
3 made if the tax imposed by this Act on photoprocessing
4 products is declared unconstitutional, or if the proceeds
5 from such tax are unavailable for distribution because of
6 litigation.

7 Subject to payment of amounts into the Build Illinois
8 Fund, the McCormick Place Expansion Project Fund, and the
9 Local Government Distributive Fund pursuant to the preceding
10 paragraphs or in any amendments thereto hereafter enacted,
11 beginning July 1, 1993, the Department shall each month pay
12 into the Illinois Tax Increment Fund 0.27% of 80% of the net
13 revenue realized for the preceding month from the 6.25%
14 general rate on the selling price of tangible personal
15 property.

16 Remaining moneys received by the Department pursuant to
17 this Act shall be paid as follows: (1) for that portion
18 from motor fuel, as defined in Section 1.1 of the Motor Fuel
19 Tax Law, and gasohol, as defined in Section 3-40 of the Use
20 Tax Act, one-third shall be paid into the Downstate Public
21 Transportation Fund, one-third shall be paid into the Public
22 Transportation Fund, and one-third shall be paid into the
23 Road Fund; and (2) the remainder shall be paid into the
24 General Revenue Fund of the State Treasury.

25 The Department may, upon separate written notice to a
26 taxpayer, require the taxpayer to prepare and file with the
27 Department on a form prescribed by the Department within not
28 less than 60 days after receipt of the notice an annual
29 information return for the tax year specified in the notice.
30 Such annual return to the Department shall include a
31 statement of gross receipts as shown by the taxpayer's last
32 Federal income tax return. If the total receipts of the
33 business as reported in the Federal income tax return do not
34 agree with the gross receipts reported to the Department of

1 Revenue for the same period, the taxpayer shall attach to his
2 annual return a schedule showing a reconciliation of the 2
3 amounts and the reasons for the difference. The taxpayer's
4 annual return to the Department shall also disclose the cost
5 of goods sold by the taxpayer during the year covered by such
6 return, opening and closing inventories of such goods for
7 such year, cost of goods used from stock or taken from stock
8 and given away by the taxpayer during such year, pay roll
9 information of the taxpayer's business during such year and
10 any additional reasonable information which the Department
11 deems would be helpful in determining the accuracy of the
12 monthly, quarterly or annual returns filed by such taxpayer
13 as hereinbefore provided for in this Section.

14 If the annual information return required by this Section
15 is not filed when and as required, the taxpayer shall be
16 liable as follows:

17 (i) Until January 1, 1994, the taxpayer shall be
18 liable for a penalty equal to 1/6 of 1% of the tax due
19 from such taxpayer under this Act during the period to be
20 covered by the annual return for each month or fraction
21 of a month until such return is filed as required, the
22 penalty to be assessed and collected in the same manner
23 as any other penalty provided for in this Act.

24 (ii) On and after January 1, 1994, the taxpayer
25 shall be liable for a penalty as described in Section 3-4
26 of the Uniform Penalty and Interest Act.

27 The chief executive officer, proprietor, owner or highest
28 ranking manager shall sign the annual return to certify the
29 accuracy of the information contained therein. Any person
30 who willfully signs the annual return containing false or
31 inaccurate information shall be guilty of perjury and
32 punished accordingly. The annual return form prescribed by
33 the Department shall include a warning that the person
34 signing the return may be liable for perjury.

1 The foregoing portion of this Section concerning the
2 filing of an annual information return shall not apply to a
3 serviceman who is not required to file an income tax return
4 with the United States Government.

5 As soon as possible after the first day of each month,
6 upon certification of the Department of Revenue, the
7 Comptroller shall order transferred and the Treasurer shall
8 transfer from the General Revenue Fund to the Motor Fuel Tax
9 Fund an amount equal to 1.7% of 80% of the net revenue
10 realized under this Act for the second preceding month.
11 Beginning April 1, 2000, this transfer is no longer required
12 and shall not be made.

13 Net revenue realized for a month shall be the revenue
14 collected by the State pursuant to this Act, less the amount
15 paid out during that month as refunds to taxpayers for
16 overpayment of liability.

17 For greater simplicity of administration, it shall be
18 permissible for manufacturers, importers and wholesalers
19 whose products are sold by numerous servicemen in Illinois,
20 and who wish to do so, to assume the responsibility for
21 accounting and paying to the Department all tax accruing
22 under this Act with respect to such sales, if the servicemen
23 who are affected do not make written objection to the
24 Department to this arrangement.

25 (Source: P.A. 90-612, eff. 7-8-98; 91-37, eff. 7-1-99; 91-51,
26 eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99;
27 91-872, eff. 7-1-00.)

28 Section 20. The Retailers' Occupation Tax Act is amended
29 by changing Section 3 as follows:

30 (35 ILCS 120/3) (from Ch. 120, par. 442)

31 Sec. 3. Except as provided in this Section, on or before
32 the twentieth day of each calendar month, every person

1 engaged in the business of selling tangible personal property
2 at retail in this State during the preceding calendar month
3 shall file a return with the Department, stating:

4 1. The name of the seller;

5 2. His residence address and the address of his
6 principal place of business and the address of the
7 principal place of business (if that is a different
8 address) from which he engages in the business of selling
9 tangible personal property at retail in this State;

10 3. Total amount of receipts received by him during
11 the preceding calendar month or quarter, as the case may
12 be, from sales of tangible personal property, and from
13 services furnished, by him during such preceding calendar
14 month or quarter;

15 4. Total amount received by him during the
16 preceding calendar month or quarter on charge and time
17 sales of tangible personal property, and from services
18 furnished, by him prior to the month or quarter for which
19 the return is filed;

20 5. Deductions allowed by law;

21 6. Gross receipts which were received by him during
22 the preceding calendar month or quarter and upon the
23 basis of which the tax is imposed;

24 7. The amount of credit provided in Section 2d of
25 this Act;

26 8. The amount of tax due;

27 9. The signature of the taxpayer; and

28 10. Such other reasonable information as the
29 Department may require.

30 If a taxpayer fails to sign a return within 30 days after
31 the proper notice and demand for signature by the Department,
32 the return shall be considered valid and any amount shown to
33 be due on the return shall be deemed assessed.

34 Each return shall be accompanied by the statement of

1 prepaid tax issued pursuant to Section 2e for which credit is
2 claimed.

3 A retailer may accept a Manufacturer's Purchase Credit
4 certification from a purchaser in satisfaction of Use Tax as
5 provided in Section 3-85 of the Use Tax Act if the purchaser
6 provides the appropriate documentation as required by Section
7 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
8 certification, accepted by a retailer as provided in Section
9 3-85 of the Use Tax Act, may be used by that retailer to
10 satisfy Retailers' Occupation Tax liability in the amount
11 claimed in the certification, not to exceed 6.25% of the
12 receipts subject to tax from a qualifying purchase.

13 The Department may require returns to be filed on a
14 quarterly basis. If so required, a return for each calendar
15 quarter shall be filed on or before the twentieth day of the
16 calendar month following the end of such calendar quarter.
17 The taxpayer shall also file a return with the Department for
18 each of the first two months of each calendar quarter, on or
19 before the twentieth day of the following calendar month,
20 stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business
23 from which he engages in the business of selling tangible
24 personal property at retail in this State;
- 25 3. The total amount of taxable receipts received by
26 him during the preceding calendar month from sales of
27 tangible personal property by him during such preceding
28 calendar month, including receipts from charge and time
29 sales, but less all deductions allowed by law;
- 30 4. The amount of credit provided in Section 2d of
31 this Act;
- 32 5. The amount of tax due; and
- 33 6. Such other reasonable information as the
34 Department may require.

1 If a total amount of less than \$1 is payable, refundable
2 or creditable, such amount shall be disregarded if it is less
3 than 50 cents and shall be increased to \$1 if it is 50 cents
4 or more.

5 Beginning October 1, 1993, a taxpayer who has an average
6 monthly tax liability of \$150,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. Beginning October 1, 1994, a taxpayer who
9 has an average monthly tax liability of \$100,000 or more
10 shall make all payments required by rules of the Department
11 by electronic funds transfer. Beginning October 1, 1995, a
12 taxpayer who has an average monthly tax liability of \$50,000
13 or more shall make all payments required by rules of the
14 Department by electronic funds transfer. Beginning October
15 1, 2000, a taxpayer who has an annual tax liability of
16 \$200,000 or more shall make all payments required by rules of
17 the Department by electronic funds transfer. The term
18 "annual tax liability" shall be the sum of the taxpayer's
19 liabilities under this Act, and under all other State and
20 local occupation and use tax laws administered by the
21 Department, for the immediately preceding calendar year. The
22 term "average monthly tax liability" shall be the sum of the
23 taxpayer's liabilities under this Act, and under all other
24 State and local occupation and use tax laws administered by
25 the Department, for the immediately preceding calendar year
26 divided by 12.

27 Before August 1 of each year beginning in 1993, the
28 Department shall notify all taxpayers required to make
29 payments by electronic funds transfer. All taxpayers
30 required to make payments by electronic funds transfer shall
31 make those payments for a minimum of one year beginning on
32 October 1.

33 Any taxpayer not required to make payments by electronic
34 funds transfer may make payments by electronic funds transfer

1 with the permission of the Department.

2 All taxpayers required to make payment by electronic
3 funds transfer and any taxpayers authorized to voluntarily
4 make payments by electronic funds transfer shall make those
5 payments in the manner authorized by the Department.

6 The Department shall adopt such rules as are necessary to
7 effectuate a program of electronic funds transfer and the
8 requirements of this Section.

9 Any amount which is required to be shown or reported on
10 any return or other document under this Act shall, if such
11 amount is not a whole-dollar amount, be increased to the
12 nearest whole-dollar amount in any case where the fractional
13 part of a dollar is 50 cents or more, and decreased to the
14 nearest whole-dollar amount where the fractional part of a
15 dollar is less than 50 cents.

16 If the retailer is otherwise required to file a monthly
17 return and if the retailer's average monthly tax liability to
18 the Department does not exceed \$200, the Department may
19 authorize his returns to be filed on a quarter annual basis,
20 with the return for January, February and March of a given
21 year being due by April 20 of such year; with the return for
22 April, May and June of a given year being due by July 20 of
23 such year; with the return for July, August and September of
24 a given year being due by October 20 of such year, and with
25 the return for October, November and December of a given year
26 being due by January 20 of the following year.

27 If the retailer is otherwise required to file a monthly
28 or quarterly return and if the retailer's average monthly tax
29 liability with the Department does not exceed \$50, the
30 Department may authorize his returns to be filed on an annual
31 basis, with the return for a given year being due by January
32 20 of the following year.

33 Such quarter annual and annual returns, as to form and
34 substance, shall be subject to the same requirements as

1 monthly returns.

2 Notwithstanding any other provision in this Act
3 concerning the time within which a retailer may file his
4 return, in the case of any retailer who ceases to engage in a
5 kind of business which makes him responsible for filing
6 returns under this Act, such retailer shall file a final
7 return under this Act with the Department not more than one
8 month after discontinuing such business.

9 Where the same person has more than one business
10 registered with the Department under separate registrations
11 under this Act, such person may not file each return that is
12 due as a single return covering all such registered
13 businesses, but shall file separate returns for each such
14 registered business.

15 In addition, with respect to motor vehicles, watercraft,
16 aircraft, and trailers that are required to be registered
17 with an agency of this State, every retailer selling this
18 kind of tangible personal property shall file, with the
19 Department, upon a form to be prescribed and supplied by the
20 Department, a separate return for each such item of tangible
21 personal property which the retailer sells, except that if,
22 in the same transaction, (i) a retailer of aircraft,
23 watercraft, motor vehicles or trailers transfers more than
24 one aircraft, watercraft, motor vehicle or trailer to another
25 aircraft, watercraft, motor vehicle retailer or trailer
26 retailer for the purpose of resale or (ii) a retailer of
27 aircraft, watercraft, motor vehicles, or trailers transfers
28 more than one aircraft, watercraft, motor vehicle, or trailer
29 to a purchaser for use as a qualifying rolling stock as
30 provided in Section 2-5 of this Act, then that seller may
31 report the transfer of all aircraft, watercraft, motor
32 vehicles or trailers involved in that transaction to the
33 Department on the same uniform invoice-transaction reporting
34 return form. For purposes of this Section, "watercraft"

1 means a Class 2, Class 3, or Class 4 watercraft as defined in
2 Section 3-2 of the Boat Registration and Safety Act, a
3 personal watercraft, or any boat equipped with an inboard
4 motor.

5 Any retailer who sells only motor vehicles, watercraft,
6 aircraft, or trailers that are required to be registered with
7 an agency of this State, so that all retailers' occupation
8 tax liability is required to be reported, and is reported, on
9 such transaction reporting returns and who is not otherwise
10 required to file monthly or quarterly returns, need not file
11 monthly or quarterly returns. However, those retailers shall
12 be required to file returns on an annual basis.

13 The transaction reporting return, in the case of motor
14 vehicles or trailers that are required to be registered with
15 an agency of this State, shall be the same document as the
16 Uniform Invoice referred to in Section 5-402 of The Illinois
17 Vehicle Code and must show the name and address of the
18 seller; the name and address of the purchaser; the amount of
19 the selling price including the amount allowed by the
20 retailer for traded-in property, if any; the amount allowed
21 by the retailer for the traded-in tangible personal property,
22 if any, to the extent to which Section 1 of this Act allows
23 an exemption for the value of traded-in property; the balance
24 payable after deducting such trade-in allowance from the
25 total selling price; the amount of tax due from the retailer
26 with respect to such transaction; the amount of tax collected
27 from the purchaser by the retailer on such transaction (or
28 satisfactory evidence that such tax is not due in that
29 particular instance, if that is claimed to be the fact); the
30 place and date of the sale; a sufficient identification of
31 the property sold; such other information as is required in
32 Section 5-402 of The Illinois Vehicle Code, and such other
33 information as the Department may reasonably require.

34 The transaction reporting return in the case of

1 watercraft or aircraft must show the name and address of the
2 seller; the name and address of the purchaser; the amount of
3 the selling price including the amount allowed by the
4 retailer for traded-in property, if any; the amount allowed
5 by the retailer for the traded-in tangible personal property,
6 if any, to the extent to which Section 1 of this Act allows
7 an exemption for the value of traded-in property; the balance
8 payable after deducting such trade-in allowance from the
9 total selling price; the amount of tax due from the retailer
10 with respect to such transaction; the amount of tax collected
11 from the purchaser by the retailer on such transaction (or
12 satisfactory evidence that such tax is not due in that
13 particular instance, if that is claimed to be the fact); the
14 place and date of the sale, a sufficient identification of
15 the property sold, and such other information as the
16 Department may reasonably require.

17 Such transaction reporting return shall be filed not
18 later than 20 days after the day of delivery of the item that
19 is being sold, but may be filed by the retailer at any time
20 sooner than that if he chooses to do so. The transaction
21 reporting return and tax remittance or proof of exemption
22 from the Illinois use tax may be transmitted to the
23 Department by way of the State agency with which, or State
24 officer with whom the tangible personal property must be
25 titled or registered (if titling or registration is required)
26 if the Department and such agency or State officer determine
27 that this procedure will expedite the processing of
28 applications for title or registration.

29 With each such transaction reporting return, the retailer
30 shall remit the proper amount of tax due (or shall submit
31 satisfactory evidence that the sale is not taxable if that is
32 the case), to the Department or its agents, whereupon the
33 Department shall issue, in the purchaser's name, a use tax
34 receipt (or a certificate of exemption if the Department is

1 satisfied that the particular sale is tax exempt) which such
2 purchaser may submit to the agency with which, or State
3 officer with whom, he must title or register the tangible
4 personal property that is involved (if titling or
5 registration is required) in support of such purchaser's
6 application for an Illinois certificate or other evidence of
7 title or registration to such tangible personal property.

8 No retailer's failure or refusal to remit tax under this
9 Act precludes a user, who has paid the proper tax to the
10 retailer, from obtaining his certificate of title or other
11 evidence of title or registration (if titling or registration
12 is required) upon satisfying the Department that such user
13 has paid the proper tax (if tax is due) to the retailer. The
14 Department shall adopt appropriate rules to carry out the
15 mandate of this paragraph.

16 If the user who would otherwise pay tax to the retailer
17 wants the transaction reporting return filed and the payment
18 of the tax or proof of exemption made to the Department
19 before the retailer is willing to take these actions and such
20 user has not paid the tax to the retailer, such user may
21 certify to the fact of such delay by the retailer and may
22 (upon the Department being satisfied of the truth of such
23 certification) transmit the information required by the
24 transaction reporting return and the remittance for tax or
25 proof of exemption directly to the Department and obtain his
26 tax receipt or exemption determination, in which event the
27 transaction reporting return and tax remittance (if a tax
28 payment was required) shall be credited by the Department to
29 the proper retailer's account with the Department, but
30 without the 2.1% or 1.75% discount provided for in this
31 Section being allowed. When the user pays the tax directly
32 to the Department, he shall pay the tax in the same amount
33 and in the same form in which it would be remitted if the tax
34 had been remitted to the Department by the retailer.

1 Refunds made by the seller during the preceding return
2 period to purchasers, on account of tangible personal
3 property returned to the seller, shall be allowed as a
4 deduction under subdivision 5 of his monthly or quarterly
5 return, as the case may be, in case the seller had
6 theretofore included the receipts from the sale of such
7 tangible personal property in a return filed by him and had
8 paid the tax imposed by this Act with respect to such
9 receipts.

10 Where the seller is a corporation, the return filed on
11 behalf of such corporation shall be signed by the president,
12 vice-president, secretary or treasurer or by the properly
13 accredited agent of such corporation.

14 Where the seller is a limited liability company, the
15 return filed on behalf of the limited liability company shall
16 be signed by a manager, member, or properly accredited agent
17 of the limited liability company.

18 Except as provided in this Section, the retailer filing
19 the return under this Section shall, at the time of filing
20 such return, pay to the Department the amount of tax imposed
21 by this Act less a discount of 2.1% prior to January 1, 1990
22 and 1.75% on and after January 1, 1990, or \$5 per calendar
23 year, whichever is greater, which is allowed to reimburse the
24 retailer for the expenses incurred in keeping records,
25 preparing and filing returns, remitting the tax and supplying
26 data to the Department on request. Any prepayment made
27 pursuant to Section 2d of this Act shall be included in the
28 amount on which such 2.1% or 1.75% discount is computed. In
29 the case of retailers who report and pay the tax on a
30 transaction by transaction basis, as provided in this
31 Section, such discount shall be taken with each such tax
32 remittance instead of when such retailer files his periodic
33 return.

34 Before October 1, 2000, if the taxpayer's average monthly

1 tax liability to the Department under this Act, the Use Tax
2 Act, the Service Occupation Tax Act, and the Service Use Tax
3 Act, excluding any liability for prepaid sales tax to be
4 remitted in accordance with Section 2d of this Act, was
5 \$10,000 or more during the preceding 4 complete calendar
6 quarters, he shall file a return with the Department each
7 month by the 20th day of the month next following the month
8 during which such tax liability is incurred and shall make
9 payments to the Department on or before the 7th, 15th, 22nd
10 and last day of the month during which such liability is
11 incurred. On and after October 1, 2000, if the taxpayer's
12 average monthly tax liability to the Department under this
13 Act, the Use Tax Act, the Service Occupation Tax Act, and the
14 Service Use Tax Act, excluding any liability for prepaid
15 sales tax to be remitted in accordance with Section 2d of
16 this Act, was \$20,000 or more during the preceding 4 complete
17 calendar quarters, he shall file a return with the Department
18 each month by the 20th day of the month next following the
19 month during which such tax liability is incurred and shall
20 make payment to the Department on or before the 7th, 15th,
21 22nd and last day of the month during which such liability is
22 incurred. If the month during which such tax liability is
23 incurred began prior to January 1, 1985, each payment shall
24 be in an amount equal to 1/4 of the taxpayer's actual
25 liability for the month or an amount set by the Department
26 not to exceed 1/4 of the average monthly liability of the
27 taxpayer to the Department for the preceding 4 complete
28 calendar quarters (excluding the month of highest liability
29 and the month of lowest liability in such 4 quarter period).
30 If the month during which such tax liability is incurred
31 begins on or after January 1, 1985 and prior to January 1,
32 1987, each payment shall be in an amount equal to 22.5% of
33 the taxpayer's actual liability for the month or 27.5% of the
34 taxpayer's liability for the same calendar month of the

1 preceding year. If the month during which such tax liability
2 is incurred begins on or after January 1, 1987 and prior to
3 January 1, 1988, each payment shall be in an amount equal to
4 22.5% of the taxpayer's actual liability for the month or
5 26.25% of the taxpayer's liability for the same calendar
6 month of the preceding year. If the month during which such
7 tax liability is incurred begins on or after January 1, 1988,
8 and prior to January 1, 1989, or begins on or after January
9 1, 1996, each payment shall be in an amount equal to 22.5% of
10 the taxpayer's actual liability for the month or 25% of the
11 taxpayer's liability for the same calendar month of the
12 preceding year. If the month during which such tax liability
13 is incurred begins on or after January 1, 1989, and prior to
14 January 1, 1996, each payment shall be in an amount equal to
15 22.5% of the taxpayer's actual liability for the month or 25%
16 of the taxpayer's liability for the same calendar month of
17 the preceding year or 100% of the taxpayer's actual liability
18 for the quarter monthly reporting period. The amount of such
19 quarter monthly payments shall be credited against the final
20 tax liability of the taxpayer's return for that month.
21 Before October 1, 2000, once applicable, the requirement of
22 the making of quarter monthly payments to the Department by
23 taxpayers having an average monthly tax liability of \$10,000
24 or more as determined in the manner provided above shall
25 continue until such taxpayer's average monthly liability to
26 the Department during the preceding 4 complete calendar
27 quarters (excluding the month of highest liability and the
28 month of lowest liability) is less than \$9,000, or until such
29 taxpayer's average monthly liability to the Department as
30 computed for each calendar quarter of the 4 preceding
31 complete calendar quarter period is less than \$10,000.
32 However, if a taxpayer can show the Department that a
33 substantial change in the taxpayer's business has occurred
34 which causes the taxpayer to anticipate that his average

1 monthly tax liability for the reasonably foreseeable future
2 will fall below the \$10,000 threshold stated above, then such
3 taxpayer may petition the Department for a change in such
4 taxpayer's reporting status. On and after October 1, 2000,
5 once applicable, the requirement of the making of quarter
6 monthly payments to the Department by taxpayers having an
7 average monthly tax liability of \$20,000 or more as
8 determined in the manner provided above shall continue until
9 such taxpayer's average monthly liability to the Department
10 during the preceding 4 complete calendar quarters (excluding
11 the month of highest liability and the month of lowest
12 liability) is less than \$19,000 or until such taxpayer's
13 average monthly liability to the Department as computed for
14 each calendar quarter of the 4 preceding complete calendar
15 quarter period is less than \$20,000. However, if a taxpayer
16 can show the Department that a substantial change in the
17 taxpayer's business has occurred which causes the taxpayer to
18 anticipate that his average monthly tax liability for the
19 reasonably foreseeable future will fall below the \$20,000
20 threshold stated above, then such taxpayer may petition the
21 Department for a change in such taxpayer's reporting status.
22 The Department shall change such taxpayer's reporting status
23 unless it finds that such change is seasonal in nature and
24 not likely to be long term. If any such quarter monthly
25 payment is not paid at the time or in the amount required by
26 this Section, then the taxpayer shall be liable for penalties
27 and interest on the difference between the minimum amount due
28 as a payment and the amount of such quarter monthly payment
29 actually and timely paid, except insofar as the taxpayer has
30 previously made payments for that month to the Department in
31 excess of the minimum payments previously due as provided in
32 this Section. The Department shall make reasonable rules and
33 regulations to govern the quarter monthly payment amount and
34 quarter monthly payment dates for taxpayers who file on other

1 than a calendar monthly basis.

2 Without regard to whether a taxpayer is required to make
3 quarter monthly payments as specified above, any taxpayer who
4 is required by Section 2d of this Act to collect and remit
5 prepaid taxes and has collected prepaid taxes which average
6 in excess of \$25,000 per month during the preceding 2
7 complete calendar quarters, shall file a return with the
8 Department as required by Section 2f and shall make payments
9 to the Department on or before the 7th, 15th, 22nd and last
10 day of the month during which such liability is incurred. If
11 the month during which such tax liability is incurred began
12 prior to the effective date of this amendatory Act of 1985,
13 each payment shall be in an amount not less than 22.5% of the
14 taxpayer's actual liability under Section 2d. If the month
15 during which such tax liability is incurred begins on or
16 after January 1, 1986, each payment shall be in an amount
17 equal to 22.5% of the taxpayer's actual liability for the
18 month or 27.5% of the taxpayer's liability for the same
19 calendar month of the preceding calendar year. If the month
20 during which such tax liability is incurred begins on or
21 after January 1, 1987, each payment shall be in an amount
22 equal to 22.5% of the taxpayer's actual liability for the
23 month or 26.25% of the taxpayer's liability for the same
24 calendar month of the preceding year. The amount of such
25 quarter monthly payments shall be credited against the final
26 tax liability of the taxpayer's return for that month filed
27 under this Section or Section 2f, as the case may be. Once
28 applicable, the requirement of the making of quarter monthly
29 payments to the Department pursuant to this paragraph shall
30 continue until such taxpayer's average monthly prepaid tax
31 collections during the preceding 2 complete calendar quarters
32 is \$25,000 or less. If any such quarter monthly payment is
33 not paid at the time or in the amount required, the taxpayer
34 shall be liable for penalties and interest on such

1 difference, except insofar as the taxpayer has previously
2 made payments for that month in excess of the minimum
3 payments previously due.

4 If any payment provided for in this Section exceeds the
5 taxpayer's liabilities under this Act, the Use Tax Act, the
6 Service Occupation Tax Act and the Service Use Tax Act, as
7 shown on an original monthly return, the Department shall, if
8 requested by the taxpayer, issue to the taxpayer a credit
9 memorandum no later than 30 days after the date of payment.
10 The credit evidenced by such credit memorandum may be
11 assigned by the taxpayer to a similar taxpayer under this
12 Act, the Use Tax Act, the Service Occupation Tax Act or the
13 Service Use Tax Act, in accordance with reasonable rules and
14 regulations to be prescribed by the Department. If no such
15 request is made, the taxpayer may credit such excess payment
16 against tax liability subsequently to be remitted to the
17 Department under this Act, the Use Tax Act, the Service
18 Occupation Tax Act or the Service Use Tax Act, in accordance
19 with reasonable rules and regulations prescribed by the
20 Department. If the Department subsequently determined that
21 all or any part of the credit taken was not actually due to
22 the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount
23 shall be reduced by 2.1% or 1.75% of the difference between
24 the credit taken and that actually due, and that taxpayer
25 shall be liable for penalties and interest on such
26 difference.

27 If a retailer of motor fuel is entitled to a credit under
28 Section 2d of this Act which exceeds the taxpayer's liability
29 to the Department under this Act for the month which the
30 taxpayer is filing a return, the Department shall issue the
31 taxpayer a credit memorandum for the excess.

32 Beginning January 1, 1990, each month the Department
33 shall pay into the Local Government Tax Fund, a special fund
34 in the State treasury which is hereby created, the net

1 revenue realized for the preceding month from the 1% tax on
2 sales of food for human consumption which is to be consumed
3 off the premises where it is sold (other than alcoholic
4 beverages, soft drinks and food which has been prepared for
5 immediate consumption) and prescription and nonprescription
6 medicines, drugs, medical appliances and insulin, urine
7 testing materials, syringes and needles used by diabetics.

8 Beginning January 1, 1990, each month the Department
9 shall pay into the County and Mass Transit District Fund, a
10 special fund in the State treasury which is hereby created,
11 4% of the net revenue realized for the preceding month from
12 the 6.25% general rate.

13 Beginning August 1, 2000, each month the Department shall
14 pay into the County and Mass Transit District Fund 20% of the
15 net revenue realized for the preceding month from the 1.25%
16 rate on the selling price of motor fuel and gasohol.

17 Beginning January 1, 1990, each month the Department
18 shall pay into the Local Government Tax Fund 16% of the net
19 revenue realized for the preceding month from the 6.25%
20 general rate on the selling price of tangible personal
21 property.

22 Beginning August 1, 2000, each month the Department shall
23 pay into the Local Government Tax Fund 80% of the net revenue
24 realized for the preceding month from the 1.25% rate on the
25 selling price of motor fuel and gasohol.

26 Of the remainder of the moneys received by the Department
27 pursuant to this Act, (a) 1.75% thereof shall be paid into
28 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%
29 and on and after July 1, 1989, 3.8% thereof shall be paid
30 into the Build Illinois Fund; provided, however, that if in
31 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,
32 as the case may be, of the moneys received by the Department
33 and required to be paid into the Build Illinois Fund pursuant
34 to this Act, Section 9 of the Use Tax Act, Section 9 of the

1 Service Use Tax Act, and Section 9 of the Service Occupation
 2 Tax Act, such Acts being hereinafter called the "Tax Acts"
 3 and such aggregate of 2.2% or 3.8%, as the case may be, of
 4 moneys being hereinafter called the "Tax Act Amount", and (2)
 5 the amount transferred to the Build Illinois Fund from the
 6 State and Local Sales Tax Reform Fund shall be less than the
 7 Annual Specified Amount (as hereinafter defined), an amount
 8 equal to the difference shall be immediately paid into the
 9 Build Illinois Fund from other moneys received by the
 10 Department pursuant to the Tax Acts; the "Annual Specified
 11 Amount" means the amounts specified below for fiscal years
 12 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	\$54,800,000
1987	\$76,650,000
1988	\$80,480,000
1989	\$88,510,000
1990	\$115,330,000
1991	\$145,470,000
1992	\$182,730,000
1993	\$206,520,000;

22 and means the Certified Annual Debt Service Requirement (as
 23 defined in Section 13 of the Build Illinois Bond Act) or the
 24 Tax Act Amount, whichever is greater, for fiscal year 1994
 25 and each fiscal year thereafter; and further provided, that
 26 if on the last business day of any month the sum of (1) the
 27 Tax Act Amount required to be deposited into the Build
 28 Illinois Bond Account in the Build Illinois Fund during such
 29 month and (2) the amount transferred to the Build Illinois
 30 Fund from the State and Local Sales Tax Reform Fund shall
 31 have been less than 1/12 of the Annual Specified Amount, an
 32 amount equal to the difference shall be immediately paid into
 33 the Build Illinois Fund from other moneys received by the
 34 Department pursuant to the Tax Acts; and, further provided,

1 that in no event shall the payments required under the
2 preceding proviso result in aggregate payments into the Build
3 Illinois Fund pursuant to this clause (b) for any fiscal year
4 in excess of the greater of (i) the Tax Act Amount or (ii)
5 the Annual Specified Amount for such fiscal year. The
6 amounts payable into the Build Illinois Fund under clause (b)
7 of the first sentence in this paragraph shall be payable only
8 until such time as the aggregate amount on deposit under each
9 trust indenture securing Bonds issued and outstanding
10 pursuant to the Build Illinois Bond Act is sufficient, taking
11 into account any future investment income, to fully provide,
12 in accordance with such indenture, for the defeasance of or
13 the payment of the principal of, premium, if any, and
14 interest on the Bonds secured by such indenture and on any
15 Bonds expected to be issued thereafter and all fees and costs
16 payable with respect thereto, all as certified by the
17 Director of the Bureau of the Budget. If on the last
18 business day of any month in which Bonds are outstanding
19 pursuant to the Build Illinois Bond Act, the aggregate of
20 moneys deposited in the Build Illinois Bond Account in the
21 Build Illinois Fund in such month shall be less than the
22 amount required to be transferred in such month from the
23 Build Illinois Bond Account to the Build Illinois Bond
24 Retirement and Interest Fund pursuant to Section 13 of the
25 Build Illinois Bond Act, an amount equal to such deficiency
26 shall be immediately paid from other moneys received by the
27 Department pursuant to the Tax Acts to the Build Illinois
28 Fund; provided, however, that any amounts paid to the Build
29 Illinois Fund in any fiscal year pursuant to this sentence
30 shall be deemed to constitute payments pursuant to clause (b)
31 of the first sentence of this paragraph and shall reduce the
32 amount otherwise payable for such fiscal year pursuant to
33 that clause (b). The moneys received by the Department
34 pursuant to this Act and required to be deposited into the

1 Build Illinois Fund are subject to the pledge, claim and
 2 charge set forth in Section 12 of the Build Illinois Bond
 3 Act.

4 Subject to payment of amounts into the Build Illinois
 5 Fund as provided in the preceding paragraph or in any
 6 amendment thereto hereafter enacted, the following specified
 7 monthly installment of the amount requested in the
 8 certificate of the Chairman of the Metropolitan Pier and
 9 Exposition Authority provided under Section 8.25f of the
 10 State Finance Act, but not in excess of sums designated as
 11 "Total Deposit", shall be deposited in the aggregate from
 12 collections under Section 9 of the Use Tax Act, Section 9 of
 13 the Service Use Tax Act, Section 9 of the Service Occupation
 14 Tax Act, and Section 3 of the Retailers' Occupation Tax Act
 15 into the McCormick Place Expansion Project Fund in the
 16 specified fiscal years.

17	Fiscal Year	Total Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000
26	2001	80,000,000
27	2002	84,000,000
28	2003	89,000,000
29	2004	93,000,000
30	2005	97,000,000
31	2006	102,000,000
32	2007	108,000,000
33	2008	115,000,000
34	2009	120,000,000

1	2010	126,000,000
2	2011	132,000,000
3	2012	138,000,000
4	2013 and	145,000,000

5 each fiscal year
6 thereafter that bonds
7 are outstanding under
8 Section 13.2 of the
9 Metropolitan Pier and
10 Exposition Authority
11 Act, but not after fiscal year 2029.

12 Beginning July 20, 1993 and in each month of each fiscal
13 year thereafter, one-eighth of the amount requested in the
14 certificate of the Chairman of the Metropolitan Pier and
15 Exposition Authority for that fiscal year, less the amount
16 deposited into the McCormick Place Expansion Project Fund by
17 the State Treasurer in the respective month under subsection
18 (g) of Section 13 of the Metropolitan Pier and Exposition
19 Authority Act, plus cumulative deficiencies in the deposits
20 required under this Section for previous months and years,
21 shall be deposited into the McCormick Place Expansion Project
22 Fund, until the full amount requested for the fiscal year,
23 but not in excess of the amount specified above as "Total
24 Deposit", has been deposited.

25 Subject to payment of amounts into the Build Illinois
26 Fund and the McCormick Place Expansion Project Fund pursuant
27 to the preceding paragraphs or in any amendment thereto
28 hereafter enacted, each month the Department shall pay into
29 the Local Government Distributive Fund 0.4% of the net
30 revenue realized for the preceding month from the 5% general
31 rate or 0.4% of 80% of the net revenue realized for the
32 preceding month from the 6.25% general rate, as the case may
33 be, on the selling price of tangible personal property which
34 amount shall, subject to appropriation, be distributed as

1 provided in Section 2 of the State Revenue Sharing Act. No
2 payments or distributions pursuant to this paragraph shall be
3 made if the tax imposed by this Act on photoprocessing
4 products is declared unconstitutional, or if the proceeds
5 from such tax are unavailable for distribution because of
6 litigation.

7 Subject to payment of amounts into the Build Illinois
8 Fund, the McCormick Place Expansion Project Fund, and the
9 Local Government Distributive Fund pursuant to the preceding
10 paragraphs or in any amendments thereto hereafter enacted,
11 beginning July 1, 1993, the Department shall each month pay
12 into the Illinois Tax Increment Fund 0.27% of 80% of the net
13 revenue realized for the preceding month from the 6.25%
14 general rate on the selling price of tangible personal
15 property.

16 Of the remainder of the moneys received by the Department
17 pursuant to this Act, (1) 75% thereof shall be paid as
18 follows: (A) for that portion from motor fuel, as defined
19 in Section 1.1 of the Motor Fuel Tax Law, and gasohol, as
20 defined in Section 3-40 of the Use Tax Act, one-third shall
21 be paid into the Downstate Public Transportation Fund,
22 one-third shall be paid into the Public Transportation Fund,
23 and one-third shall be paid into the Road Fund; and (B) the
24 remainder shall be paid into the State Treasury; and (2) 25%
25 shall be reserved in a special account and used only for the
26 transfer to the Common School Fund as part of the monthly
27 transfer from the General Revenue Fund in accordance with
28 Section 8a of the State Finance Act.

29 The Department may, upon separate written notice to a
30 taxpayer, require the taxpayer to prepare and file with the
31 Department on a form prescribed by the Department within not
32 less than 60 days after receipt of the notice an annual
33 information return for the tax year specified in the notice.
34 Such annual return to the Department shall include a

1 statement of gross receipts as shown by the retailer's last
2 Federal income tax return. If the total receipts of the
3 business as reported in the Federal income tax return do not
4 agree with the gross receipts reported to the Department of
5 Revenue for the same period, the retailer shall attach to his
6 annual return a schedule showing a reconciliation of the 2
7 amounts and the reasons for the difference. The retailer's
8 annual return to the Department shall also disclose the cost
9 of goods sold by the retailer during the year covered by such
10 return, opening and closing inventories of such goods for
11 such year, costs of goods used from stock or taken from stock
12 and given away by the retailer during such year, payroll
13 information of the retailer's business during such year and
14 any additional reasonable information which the Department
15 deems would be helpful in determining the accuracy of the
16 monthly, quarterly or annual returns filed by such retailer
17 as provided for in this Section.

18 If the annual information return required by this Section
19 is not filed when and as required, the taxpayer shall be
20 liable as follows:

21 (i) Until January 1, 1994, the taxpayer shall be
22 liable for a penalty equal to 1/6 of 1% of the tax due
23 from such taxpayer under this Act during the period to be
24 covered by the annual return for each month or fraction
25 of a month until such return is filed as required, the
26 penalty to be assessed and collected in the same manner
27 as any other penalty provided for in this Act.

28 (ii) On and after January 1, 1994, the taxpayer
29 shall be liable for a penalty as described in Section 3-4
30 of the Uniform Penalty and Interest Act.

31 The chief executive officer, proprietor, owner or highest
32 ranking manager shall sign the annual return to certify the
33 accuracy of the information contained therein. Any person
34 who willfully signs the annual return containing false or

1 inaccurate information shall be guilty of perjury and
2 punished accordingly. The annual return form prescribed by
3 the Department shall include a warning that the person
4 signing the return may be liable for perjury.

5 The provisions of this Section concerning the filing of
6 an annual information return do not apply to a retailer who
7 is not required to file an income tax return with the United
8 States Government.

9 As soon as possible after the first day of each month,
10 upon certification of the Department of Revenue, the
11 Comptroller shall order transferred and the Treasurer shall
12 transfer from the General Revenue Fund to the Motor Fuel Tax
13 Fund an amount equal to 1.7% of 80% of the net revenue
14 realized under this Act for the second preceding month.
15 Beginning April 1, 2000, this transfer is no longer required
16 and shall not be made.

17 Net revenue realized for a month shall be the revenue
18 collected by the State pursuant to this Act, less the amount
19 paid out during that month as refunds to taxpayers for
20 overpayment of liability.

21 For greater simplicity of administration, manufacturers,
22 importers and wholesalers whose products are sold at retail
23 in Illinois by numerous retailers, and who wish to do so, may
24 assume the responsibility for accounting and paying to the
25 Department all tax accruing under this Act with respect to
26 such sales, if the retailers who are affected do not make
27 written objection to the Department to this arrangement.

28 Any person who promotes, organizes, provides retail
29 selling space for concessionaires or other types of sellers
30 at the Illinois State Fair, DuQuoin State Fair, county fairs,
31 local fairs, art shows, flea markets and similar exhibitions
32 or events, including any transient merchant as defined by
33 Section 2 of the Transient Merchant Act of 1987, is required
34 to file a report with the Department providing the name of

1 the merchant's business, the name of the person or persons
2 engaged in merchant's business, the permanent address and
3 Illinois Retailers Occupation Tax Registration Number of the
4 merchant, the dates and location of the event and other
5 reasonable information that the Department may require. The
6 report must be filed not later than the 20th day of the month
7 next following the month during which the event with retail
8 sales was held. Any person who fails to file a report
9 required by this Section commits a business offense and is
10 subject to a fine not to exceed \$250.

11 Any person engaged in the business of selling tangible
12 personal property at retail as a concessionaire or other type
13 of seller at the Illinois State Fair, county fairs, art
14 shows, flea markets and similar exhibitions or events, or any
15 transient merchants, as defined by Section 2 of the Transient
16 Merchant Act of 1987, may be required to make a daily report
17 of the amount of such sales to the Department and to make a
18 daily payment of the full amount of tax due. The Department
19 shall impose this requirement when it finds that there is a
20 significant risk of loss of revenue to the State at such an
21 exhibition or event. Such a finding shall be based on
22 evidence that a substantial number of concessionaires or
23 other sellers who are not residents of Illinois will be
24 engaging in the business of selling tangible personal
25 property at retail at the exhibition or event, or other
26 evidence of a significant risk of loss of revenue to the
27 State. The Department shall notify concessionaires and other
28 sellers affected by the imposition of this requirement. In
29 the absence of notification by the Department, the
30 concessionaires and other sellers shall file their returns as
31 otherwise required in this Section.

32 (Source: P.A. 90-491, eff. 1-1-99; 90-612, eff. 7-8-98;
33 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff.
34 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901,

1 eff. 1-1-01; revised 1-15-01.)

2 Section 99. Effective date. This Act takes effect on

3 January 1, 2002.